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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 DAVID TARVER,

6 Petitioner,

7 v.

8 MAGGIE MILLER-STOUT,

9 Respondent.

10 Case No. C05-5237FDB

11 ORDER ADOPTING
12 REPORT AND
13 RECOMMENDATION

14 The Magistrate Judge recommends that this 28 U.S.C. § 2254 Petition be dismissed with
15 prejudice as unexhausted and procedurally barred. Petitioner has filed objections in which he
16 disputes the conclusions reached by the Magistrate Judge on the facts, arguing that he was credited
17 with good time that was taken from him without due process. This Court, however, agrees with the
18 Magistrate Judge's analysis of the issues.

19 The Court having reviewed the Report and Recommendation of the Hon. Karen L.
20 Strombom United States Magistrate Judge,, and the remaining record, and the objections to the
21 Report and Recommendation, does hereby find and Order:

22 (1) The Court adopts the Report and Recommendation;
23 (2) The petition is **DISMISSED WITH PREJUDICE** for the reasons set forth in the
24 Report and Recommendation.
25 (3) The clerk is directed to send copies of this Order to Petitioner, counsel for
26 Respondent, and to the Hon. Karen L. Strombom.

27 DATED this 24th day of February 2006.

28 
29 FRANKLIN D. BURGESS
30 UNITED STATES DISTRICT JUDGE

31 ORDER -1